

AGENDA REQUEST
BUSINESS OF THE AIRPORT COMMISSION
CITY OF SUGAR LAND, TEXAS

AGENDA OF: 03/24/05 DEPT. OF ORIGIN: DEVELOPMENT SVCS REQ. NO. V B

DATE SUBMITTED: 03/18/05

ORIGINATOR: JIM CALLAWAY, DEVELOPMENT SERVICES DIRECTOR 

SUBJECT: ADOPTION AND AMENDMENT OF AIRPORT ZONING REGULATIONS

PROCEEDING: CONSIDERATION AND ACTION

EXHIBITS: DRAFT ORDINANCE

APPROVED FOR SUBMITTAL:

JIM CALLAWAY, DEVELOPMENT SERVICES DIRECTOR 

EXECUTIVE SUMMARY:

On February 8, 2005, the Commission held a public hearing on the question of adopting new and amended Airport Zoning Regulations for the City of Sugar Land. The Texas Local Government Code provides that a report (recommendation) of the Commission is necessary prior to Council consideration of Airport Zoning regulations. Draft regulations presented at that hearing were also presented and discussed at previous Commission workshops.

Following the Public Hearing, the Commission had one request or recommendation- that the regulations include a clarification of the temporary use provision of Sec. 9-11. Since that time we have reviewed Sec. 9-11. This section applies to temporary height encroachments into the Airport Hazard Zones. The section does not authorize temporary land use; the Land Use Matrix controls land use. The provisions of this section would be used to deal with issues such as a crane being used for a construction project, etc.

Attached is a draft ordinance prepared by the City legal staff to incorporate the regulations proposed in the drafts previously presented to the Commission.

RECOMMENDED ACTION:

We recommend that the Planning and Zoning Commission report to the City Council a recommendation to adopt the draft Airport Zoning Ordinance.

DO NOT REVISE WITHOUT LEGAL DEPARTMENT APPROVAL

DRAFT ORDINANCE NO. 1486

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING THE SUGAR LAND MUNICIPAL AIRPORT REGULATIONS AS CONTAINED IN CHAPTER 9 OF THE SUGAR LAND DEVELOPMENT CODE, AS PREVIOUSLY ADOPTED BY THE SUGAR LAND MUNICIPAL JOINT ZONING BOARD, AND AMENDING THE REGULATIONS ADOPTED.

WHEREAS, by Order No. 97-1, effective September 24, 1997, the Sugar Land Municipal Joint Zoning Board adopted the Sugar Land Municipal Airport Zoning Regulations under Chapter 241 of the Local Government Code (the Act); and

WHEREAS, the regulations were codified as Chapter 9 of the Sugar Land Development Code; and

WHEREAS, the City Council wishes to unilaterally adopt airport zoning regulations under §241.013 of the Act to replace the regulations adopted by the Joint Zoning Board under §241.014 of the Act; and

WHEREAS, by Resolution No. 04-42, effective November 16, 2004, the City Council appointed the Sugar Land Planning and Zoning Commission to serve as the Airport Zoning Commission to make recommendations to the City Council on the proposed airport zoning regulations, as required by §241.016 (a) of the Act; and

WHEREAS, the Airport Zoning Commission prepared a preliminary report on the proposed airport zoning regulations as required by §241.016 (c) of the Act; and

WHEREAS, on February 8, 2005, the Airport Zoning Commission held a public hearing on the proposed airport zoning regulations for which notice was given, as required by §241.016 (c) and (d) of the Act; and

WHEREAS, the Airport Zoning Commission has submitted its final report on the proposed airport zoning regulations to the City Council as required by §241.017 (a) of the Act; and

WHEREAS, in determining which airport zoning regulations to adopt, the City Council has considered, as required by §241.018 of the Act:

- (1) the character of the flying operations expected to be conducted at the airport;
- (2) the nature of the terrain within the airport hazard area;
- (3) the character of the neighborhood; and
- (4) the current and possible uses of the property to be zoned; and

WHEREAS, the City Council has held a public hearing on the proposed airport zoning regulations as required by §241.017 (b) of the Act; NOW, THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the Sugar Land Municipal Airport Zoning Regulations, previously adopted by the Sugar Land Municipal Airport Joint Zoning Board and codified in Chapter 9 of the Development Code, are adopted by the City Council of the City of Sugar Land as Chapter 9 of the Development Code, as amended in this Ordinance.

Section 2. That the title of Chapter 9 of the Development Code is amended to read as follows:

Chapter 9

SUGAR LAND REGIONAL AIRPORT ZONING REGULATIONS

Section 3. That section 9-2 (Definitions) of the Development Code is amended by:
(A) amending the following definitions to read as follows:

Airport means the Sugar Land Regional Airport.

Hazard Zoning Map means the map prepared by Aviation Consulting Engineers, dated August 26, 1983, showing the height hazard zones established by these regulations, and which is attached to this Chapter as Exhibit A.

(B) Deleting the definition of “Board”; and

(C) Adding the following definition:

Airport Zoning Commission means the Sugar Land Planning and Zoning Commission.

Section 4. That section 9-15 of the Development Code is amended by substituting the words “City Council” for “Municipal Airport Zoning Board” in paragraphs (a) and (b).

Section 5. That sections 9-17 and 9-19 of the Development Code are amended by substituting the word “City Council” for the word “board.” in those sections.

Section 6. That section 9-20 of the Development Code is amended to read as follows:

Sec. 9-20. Zoning Amendments.

The following procedures apply to any change in a zoning district boundary, classification, or regulation:

(a) Initiation. A zoning change may be initiated by the airport director, the department, by the Airport Zoning Commission, City Council, or by the landowner filing an application with the department. The fee for filing the application is the same as required for filing an application for a change in zoning in a City district classification.

(b) Commission Report and Hearing. The Airport Zoning Commission will make a preliminary report on the proposed zoning change and hold a public hearing before submitting a final report to the City Council.

(c) Council Hearing. After receiving the final report of the Airport Zoning Commission, the City Council will hold a public hearing on the proposed zoning change.

(d) Notice of Hearings. The notices of the required public hearings before the Airport Zoning Commission and City Council will be published in an official newspaper or a newspaper of general circulation in each political subdivision in which the airport hazard area or controlled compatible land use area is located, before the 15th day before the date of the hearings.

(e) Council Action. After the close of the public hearing, the City Council may approve or deny the request, or take whatever other action the City Council deems appropriate.

(f) Reconsideration. If the City Council denies an application for a change in zoning district classification, the department will not accept an application for the same zoning change within six months following the filing date of the application that was denied.

Section 6. That Chapter 9 of the Development Code is amended by adding new sections 9-21 and 9-22 to read as follows:

Sec. 9-21. Airport Purpose. Pursuant to §241.013 (c) of the Local Government Code, the City Council has determined that the Sugar Land Regional Airport fulfills an essential community purpose.

Sec. 9-22. Conflicts with other regulations.

(a) The hazard area zoning regulations and compatible land use zoning regulations adopted under this Chapter apply to portions of the area located within the City's corporate limits and its extraterritorial jurisdiction as shown on the adopted Airport Hazard Zoning Map and Airport zoning map. The hazard areas zoning regulations and compatible land use zoning regulations that apply within the City's corporate limits are in addition to the zoning regulations imposed under Chapter 2 of this Code for that same area.

(b) As provided for by section 241.901 of the Local Government Code, if the hazard area zoning regulations of this chapter conflict with any other regulation applicable to the same area, including the zoning regulations adopted under Chapter 2 of this Code, the more stringent or limitation or requirement controls.

(c) As provided for by section 241.902 of the Local Government Code, if the compatible land use zoning regulations of this chapter conflict with any other regulation applicable to the same area, including the zoning regulations adopted under Chapter 2 of this Code, the more stringent limitation or requirement controls.

Section 7. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

Section 8. That any person found guilty of violating a provision of this ordinance that applies within the City's corporate limits will be fined not more than \$2,000.00 for each offense. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

APPROVED on first consideration on _____, 2005.

ADOPTED upon second consideration on _____, 2005.

David G. Wallace, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance: